

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

JOSE CAMARENA-FAMILIA,

Defendant.

18 Cr. 649 (KPF)

**ORDER**

KATHERINE POLK FAILLA, District Judge:

On July 15, 2022, Defendant Jose Camarena-Familia was sentenced principally to concurrent terms of 78 months' imprisonment on Counts One and Two of Indictment 18 Cr. 649. (*See* Dkt. #7 (indictment), 67 (judgment); July 15, 2022 Minute Entry).

On March 18, 2024, Defendant filed a motion requesting that this Court consider a sentence reduction pursuant to Amendment 821 to the United States Sentencing Guidelines, which amendment went into effect on November 1, 2023, and applies retroactively. (Dkt. #69). The United States Probation Department thereafter issued a supplemental presentence investigation report indicating that Defendant is not eligible for a sentence reduction under Amendment 821 because his original sentence was at or below the low end of the amended guideline range. (Dkt. #70).<sup>1</sup> The Court accordingly denied Defendant's motion. (Dkt. #72).

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<sup>1</sup> Specifically, while Defendant "has met all of the criteria and is eligible for the zero-point offender recalculation" pursuant to the amended U.S.S.G. §4C1.1, Defendant is "precluded from a sentence reduction because the original sentence [78 months' imprisonment] was at or below the low end of the amended guideline range [97 months' to 121 months' imprisonment]." (Dkt. #70 at 2-3).

Defendant thereafter filed a letter on May 2, 2024, asking this Court to “reconsider[] its [O]rder of denial for relief under Amendment 821.” (Dkt. #73). Pursuant to U.S.S.G. §1B1.10(b)(2)(A), which governs the Court’s ability to grant sentence reductions when there is an amendment to the sentencing guidelines, “[a] court shall not reduce [a] defendant’s term of imprisonment ... to a term that is less than the minimum of the amended guideline range.” U.S.S.G. § 1B1.10(b)(2)(A). As to Defendant, this means that the Court is restrained from reducing Defendant’s sentence below 97 months, the minimum of his amended guideline range. Because Defendant’s original sentence was 78 months, the Court cannot grant him a further reduction of his sentence pursuant to Amendment 821. *See, e.g., United States v. Young*, 998 F.3d 43, 46 n.1 (2d Cir. 2021). Accordingly, Defendant’s request for reconsideration is DENIED.

The Clerk of Court is directed to mail a copy of this Order to Defendant at the following address:

JOSE CAMARENA-FAMILIA, #85926-054  
FCI ALLENWOOD LOW  
FEDERAL CORRECTIONAL INSTITUTION  
P.O. BOX 1000  
WHITE DEER, P.A. 17887

SO ORDERED.

Dated: May 28, 2024  
New York, New York



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KATHERINE POLK FAILLA  
United States District Judge